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District of Nevada

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*Attorneys for the United States.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JUANITTA DARLYNN,

Plaintiff,

v.

CHRISTOPHER MARK SHERMAN,  
individually; DEPARTMENT OF THE AIR  
FORCE, a Division of the UNITED STATES  
of AMERICA; DOES I through XX, ROE  
CORPORATION I through X; ROE  
EMPLOYEES I through X inclusive,

Defendants.

Case No. 2:17-cv-02800-JAD-VCF

**NOTICE OF SUBSTITUTION**

The United States of America hereby notifies Plaintiff and this Court that Dayle Elieson, United States Attorney for the District of Nevada, an authorized representative of the Attorney General of the United States of America, has certified that Federal Defendant Christopher Mark Sherman was acting within the course and scope of his duties with the United States Air Force at all times relevant to the events alleged in Plaintiff's Complaint. (Exhibit 1, Certification of Scope of Employment of Christopher Mark Sherman.)

Thus, this action "shall be deemed to be an action or proceeding brought against the United States . . . , and the United States shall be substituted as the party defendant" in place of Christopher Mark Sherman. 28 U.S.C. § 2679(d)(2) and 28 U.S.C. § 2671.

1 Based on the foregoing, the United States Attorney's certification automatically  
2 substitutes the United States of America as the defendant in the place of Christopher Mark  
3 Sherman in this case and the caption of this case should be amended by removing Defendant  
4 Christopher Mark Sherman individually and substituting the United States of America.

5 For the convenience of this Court, the United States of America submits a proposed  
6 Order reflecting this substitution and amending the caption of this action accordingly. (Exhibit  
7 2, Proposed Order.)

8 Dated this 22nd day of January 2018.

9 DAYLE ELIESON  
10 United States Attorney

11 /s/ Troy K. Flake  
12 TROY K. FLAKE  
13 Assistant United States Attorney  
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19 **PROOF OF SERVICE**

20 I, Troy K. Flake, hereby certify that the **NOTICE OF SUBSTITUTION** was served  
21 this date on all parties via the Court's Electronic Case Filing system.

22 Dated this 22nd day of January 2018.

23 /s/ Troy K. Flake  
24 TROY K. FLAKE  
25 Assistant United States Attorney  
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# EXHIBIT 1

Certification of Scope of Employment

1 DAYLE ELIESON  
United States Attorney  
2 District of Nevada

3 TROY K. FLAKE  
Assistant United States Attorney  
4 501 Las Vegas Boulevard South, Suite 1100  
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5 Telephone: 702-388-6336  
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6 *Attorneys for the United States.*

7  
8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF NEVADA**

10 JUANITTA DARLYNN,

11 Plaintiff,

12 v.

13 CHRISTOPHER MARK SHERMAN, *et al.*

14 Defendants.

)  
) Case No. 2:17-cv-02800-JAD-VCF  
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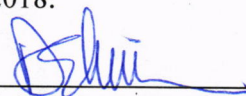
) **CERTIFICATION OF SCOPE OF**  
) **EMPLOYMENT**  
)  
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16 Pursuant to 28 U.S.C. § 2679(d)(2), and by virtue of the authority vested in me by the  
17 Attorney General of the United States of America under 28 CFR § 15.4, I hereby certify:

18 1. I have read the Complaint filed on November 7, 2018, in the case entitled  
19 *Juanitta Darlynn v. Christopher Mark Sherman, individually; et al.*, Case No. 2:17-cv-02800-  
20 JAD-VCF, and have reviewed materials pertaining to the employment status of Christopher  
21 Mark Sherman, an employee of the United States Air Force.

22 2. Based on the information currently available to me with respect to the incident  
23 that is the subject of this action, Christopher Mark Sherman was acting within the course and  
24 scope of his employment as an employee of the United States Air Force, at the time of the  
25 incidents out of which the suit arose.

26 Dated this 22 day of January 2018.

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28 DAYLE ELIESON  
United States Attorney

# EXHIBIT 2

Proposed Order

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JUANITTA DARLYNN.

Plaintiff.

$$V.$$

UNITED STATES OF AMERICA;  
DEPARTMENT OF THE AIR FORCE, a  
Division of the UNITED STATES of  
AMERICA; DOES I through XX, ROE  
CORPORATION I through X; ROE  
EMPLOYEES I through X inclusive,

Defendants.

Case No. 2:17-cv-02800-JAD-VCF

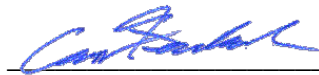
~~[PROPOSED]~~ ORDER

This Court having been apprised by the United States of America that Dayle Elieson, United States Attorney for the District of Nevada, an authorized representative of the Attorney General of the United States of America, has certified that Federal Defendant Christopher Mark Sherman was acting within the course and scope of his duties as an employee of the United States Air Force at all times relevant to the events alleged in Plaintiff's Complaint pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2) and 2671 and having been apprised of the Substitution of the United States of America in place of Federal Defendant Christopher Mark Sherman pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2) and 2671,

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that Federal Defendant Christopher Mark Sherman is dismissed from this action on the grounds that the exclusive remedy for such claims is an action against the United States of America pursuant to 28 U.S.C. §§ 2679(b)(1), (d)(2) and 2671;

1           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the United States  
2 of America has been substituted as a Federal Defendant in this case;

3           **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the caption of this  
4 action is and shall hereafter be modified as shown above to reflect the substitution of the United  
5 States of America in place of Federal Defendant Christopher Mark Sherman.

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9 UNITED STATES MAGISTRATE JUDGE

10 DATED: 2-13-2018  
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